R95-122g (4)
8-16-95

RESOLUTION NO. R95-122g

THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF LARIMER, COLORADO

A RESOLUTION CREATING A LOCAL EMERGENCY
PLANNING COMMITTEE FOR LARIMER COUNTY

WHEREAS, the federal "Emergency Planning and Community Right-to-Know Act", 42 U.S.C. Section 11001 et seq., Title III of the federal Superfund Amendments and Reauthorization Act of 1986, P.L. 99-499 (hereinafter "SARA Title III") calls for the establishment of a State emergency response commission and local emergency planning committees for the administration of a program for the development of emergency response plans and systems and for requiring certain facility reporting and notification regarding the listing or release of specified hazardous substances; and

WHEREAS, the Colorado General Assembly implemented SARA Title III through the enactment of Part 26 of Article 32 of Title 24, C.R.S. (hereinafter "State Act"), which establishes the Colorado Emergency Planning Commission and provides for the creation and operation of local emergency planning committees; and

WHEREAS, the Colorado Emergency Planning Commission has designated a local emergency planning district to overlay all of Larimer County; and

WHEREAS, the Board of County Commissions (hereinafter "Board") wishes, by this resolution, to clarify the relationship of the Local Emergency Planning Committee (hereinafter "LEPC") to the rest of the County government and to perform those duties specified for the Board under the State Act; and

WHEREAS, aware of the fact that funding for the operation of the LEPC has not been clearly provided for under SARA Title II or the State Act, the Board urges the LEPC to take what measures are necessary to secure any grants and other federal or state moneys that may be available in order to carry out the specified duties of the LEPC; now, therefore,

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LARIMER COUNTY, COLORADO, as follows:

1. The members of the Local Emergency Planning Committee ("LEPC") shall consist of members from the following groups or organizations: Emergency Management Coordinator, Larimer County Commissioner, Designated Emergency Response Authority (D.E.R.A.), County Health, Larimer County Sheriff's Office, Larimer County Schools, Colorado State University, American Red Cross, Colorado State Patrol, Business/Industry, Emergency Medical Facilities, Media, Transportation, Environmental, and Public at Large.

2. Members will be designated by name to be members,but may designate other employees or persons associated with their organizations to attend and act as voting members at LEPC functions. Members of the LEPC shall serve without compensation.

3. Upon determination of the members, the Board will refer the list of nominees to the Colorado Emergency Planning Commission for official appointment, in accordance with §24-32-2604(2), C.R.S.

4. A quorum for the LEPC shall consist of 8 members. With a quorum present, only a vote of the majority of these present shall be necessary to take action.

5. By-laws and related rules establishing the procedures, organization and operation of the LEPC shall be adopted by the LEPC and approved by the Board. All by-laws and rules shall be consistent with this resolution, SARA Title III and the State Act.

6. The LEPC shall elect a chairman, vice-chairman, and secretary/treasurer (one or two persons), along with any other officers or subcommittee heads the LEPC deems prudent and necessary.

7. The LEPC may create and run any subcommittees it deems prudent and necessary. The LEPC may establish an executive board which must be made up of the Officers and the County Commissioner liaison. No action of the executive board shall be final unless approved by the LEPC.

8. The Larimer County Office of Emergency Management shall provide administrative support for the LEPC. This includes providing all required notifications, preparing agenda and minutes for LEPC meetings, maintaining LEPC records, receiving all public comments and inquiries directed to the LEPC, and handling all correspondence and other paperwork for the LEPC. Annually, the Office of Emergency Management shall include in its budget requests a line item to cover these costs. The Board of County Commissioners does not warrant, by this resolution, that it will provide the funds necessary to finance all duties or other activities of the LEPC that may be mandated by SARA Title III or its implementing regulations.

9. The County Attorney's Office is hereby authorized to act as legal advisor for the LEPC.

10. All meetings of the LEPC, its subcommittees and its executive board shall be open to the public. The LEPC shall comply with all requirements of the Colorado Sunshine Act, §24-6-401, C.R.S. et seq.

11. Except as otherwise provided by law, the LEPC shall comply with the public disclosure requirements under SARA Title

III, Section 324, and the Colorado Open Records Act, §24-72-201, C.R.S., et seq. The LEPC shall withhold any "trade secrets" as prescribed by SARA Title III, Section 322, and its implementing regulations. Upon request of the owner or operator of any reporting facility, the LEPC shall withhold, as prescribed in SARA Title III, Section 324(a), from public disclosure the location of any specific chemical required by Section 312(d) (2) of SARA Title III.

12. As set forth in §24-32-2604(3), C.R.S., the LEPC shall perform the duties described in SARA Title III and its implementing regulations,including the preparation, updating and public dissemination of an emergency plan and the handling of all notification, reporting, and public inquiry requirements, in accordance with SARA Title III. The LEPC shall coordinate its activities, as needed, with the State Office of Emergency Management within the Division of Local Government and other pertinent federal and state agencies.

13. Whenever possible and appropriate, the LEPC shall make reasonable efforts to obtain federal and/or state grants or other moneys to help finance the costs of engaging in activities prescribed under section 12 above. Where the State requires that such funds be deposited into County accounts for expenditure by the LEPC, they must be processed through the County Treasurer's Office and the Accounting Services Department. Whenever the expenditure of such federal or state grants or other moneys involves the use of private services or goods, the procurement of such services or goods shall comply with any applicable federal or state regulations or guidelines; however, when appropriate, the services of the County Purchasing Department may be utilized.

14. At lease once annually, the LEPC shall present a report to the Board of its past year's activities, and its upcoming year's goals. Along with the report, a written accounting of all moneys spent, from whatever source, shall be given. This shall be done by the time schedule and means prescribed by established County procedures.

15. SARA Title III, under Section 301(a), appears to delegate all responsibility for the creation and operation of local emergency planning committees to the state emergency response commissions. However, the State Act is less clear as to the responsibilities of the Colorado Emergency Planning Commission and the Colorado Office of Emergency Management within the Division of Local Government with respect to the local emergency planning committees. The Board does not, by the adoption of this resolution, assume or accept any more responsibility and liability for the operation of the LEPC than has been actually delegated to it by law. This resolution is intended only to provide direction and support for the LEPC in the performance of its duties under federal and state law.

16. The By-laws of the Larimer County Local Emergency Planning Committee, attached hereto, are hereby approved.

PASSED AND ADOPTED, this 16th day of August, 1995, in Ft. Collins, Larimer County, Colorado.

THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF LARIMER, COLORADO

BY: Jim Disney

ATTEST:

Sherry E. Graves

Clerk and Recorder